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5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA

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8 ZACHARY TSAMBIS,
9 Plaintiff,

Case No. 2:17-cv-02482-JCM-CWH

10 v.

ORDER

11 CARL ULEPICH, et al.,
12 Defendants.

13 Presently before the court is plaintiff Zachary Tsambis' Motion to Proceed *In Forma*
14 *Pauperis* (ECF No. 16), filed on December 20, 2017.

15 Also before the court is Tsambis' Motion to Extend Time and for Service by U.S. Marshal
16 (ECF No. 17), filed on December 20, 2017.

17 Plaintiff argues that he cannot afford the expense of service of process on defendants. He
18 further argues that he does not believe that his attempts to serve defendants will be successful
19 without the assistance of a United States marshal. He therefore requests to proceed *in forma*
20 *pauperis* for the purpose of obtaining a United States marshal's assistance with service of process.

21 Under 28 U.S.C. § 1915(a)(1), the court may authorize the commencement of a civil case
22 "without prepayment of fees and costs or security therefor" if a person submits an affidavit
23 including a statement of all assets that demonstrates the person is unable to pay the fees and costs
24 or give security for them. Under Rule 4(c)(3) of the Federal Rules of Civil Procedure, "[a]t the
25 plaintiff's request, the court may order that service be made by a United States marshal or deputy
26 marshal or by a person specially appointed by the court . . . if the plaintiff is authorized to proceed
27 in forma pauperis under 28 U.S.C. §1915."

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1 Given that Tsambis paid the \$400.00 filing fee in this case, this order only addresses his
2 ability to pay costs. In his declaration under § 1915(a)(1), Tsambis indicates he recently became
3 self employed and does not have any income. (IFP Application (ECF No. 16) at 1.) He states that
4 he has \$1,972.00 in cash or a bank account and that he owns stocks valued at \$505.29. (*Id.* at 2.)
5 He further states that his regular monthly expenses are handled by his wife and that his debts and
6 financial obligations are “minimal.” (*Id.*) Finally, he states that the has three dependent children,
7 but he does not provide the court with any information regrading the amount he contributes for
8 their support, if any. (*Id.*)

9 Based on this information, the court finds that Tsambis has not demonstrated he is unable to
10 pay costs in this case under § 1915(a)(1). Tsambis already paid the \$400.00 filing fee, and the only
11 costs he says he is unable to afford are the costs of service of process, which he does not specify.
12 Although he does not have any income, he indicates that his financial obligations are “minimal,”
13 that his wife pays his monthly expenses, and that he has \$1,972 as well as \$505.29 in stocks.
14 Further, he does not indicate that he provides financial support for his children. Given his cash on
15 hand and stocks, as well as his lack of documented financial obligations, it appears Tsambis has
16 funds available to pay costs. The court therefore will deny Tsambis’ application to proceed *in*
17 *forma pauperis*.

18 Having concluded that Tsambis may not proceed *in forma pauperis*, the court will deny his
19 motion for service of process by a United States marshal. To the extent his motion for service by a
20 United States marshal requested an extension of time to serve defendants as stated in the motion’s
21 title, the motion is denied because Tsambis does not state the requested length of the extension or
22 demonstrate good cause for the extension under Rule 4(m) of the Federal Rules of Civil Procedure.

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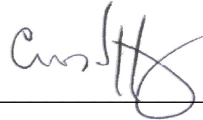
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1 IT IS THEREFORE ORDERED that plaintiff Zachary Tsambis' Motion to Proceed *In*
2 *Forma Pauperis* (ECF No. 16) is DENIED.

3 IT IS FURTHER ORDERED that plaintiff Zachary Tsambis' Motion to Extend Time and
4 for Service by U.S. Marshal (ECF No. 17) is DENIED.

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6 DATED: December 22, 2017

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9 **C.W. Hoffman, Jr.**
10 **United States Magistrate Judge**
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